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2008 SEP -4 PM 2:54

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

1 Jack F. Fitzmaurice, Esq. CSBN 061129
2 FITZMAURICE & DEMERGIAN
3 An Expense Sharing Association -
4 Not a Partnership or Joint Endeavor
5 1061 Tierra Del rey, Suite 204
6 Chula Vista, California 91910
7 Office: (619) 591-1000
8 Fax: (619) 591-1010

9 Attorney for Defendants
10 CORONADO ELECTRONICS OUTLET,
11 CORONADO ELECTRONICS,
12 JUAN M. FILIBERTO,
13 JOSEFINA S. CORONADO,
14 and DOES 1 THROUGH 10.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 EDWARD M. STEFAN

14 Plaintiff,

15 vs.

16 CORONADO ELECTRONICS OUTLET,
17 CORONADO ELECTRONICS, JUAN M.
18 FILIBERTO, JOSEFINA S. CORONADO,
19 and DOES 1 THROUGH 10,

20 Defendants.

Case No.: 08CV1488BENJMA

ANSWER TO COMPLAINT

21
22 COME NOW Juan M. Filiberto and Josefina S. Coronado d/b/a
23 Coronado Electronics Outlet (hereinafter "Defendants") and,
24 severing themselves from all other Defendants, answer the
25 complaint herein as follows:

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28 ////

ORIGINAL

08CV1488BENJMA

I. JURISDICTION AND VENUE

1. Answering paragraph 1 of the complaint, these answering Defendants admit the allegations set forth therein.
2. Answering paragraph 2 of the complaint, these answering Defendants admit the allegations set forth therein.
3. Answering paragraph 3 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

II. THE PARTIES

4. Answering paragraph 4 of the complaint, these answering Defendants admit that they engage in business in the State of California, at the location set forth therein.
5. Answering paragraph 5 of the complaint, these answering Defendants admit that they engage in business in the State of California. The Defendants are co-owners of the building mentioned therein.
6. Answering paragraph 6 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.
7. Answering paragraph 7 of the complaint, these answering Defendants admit that they engage in business at the aforementioned location. Regarding any consent to or ratification of acts, these defendants lack information or belief and upon that basis deny the allegations set forth herein.

1 8. Answering paragraph 8 of the complaint, these answering
2 Defendants lack information or belief and upon that basis deny
3 the allegations set forth herein.
4

5 **III. FACTS**

6 9. Answering paragraph 9 of the complaint, these answering
7 Defendants lack information or belief and upon that basis deny
8 the allegations set forth herein.

9 10. Answering paragraph 10 of the complaint, these answering
10 Defendants lack information or belief and upon that basis deny
11 the allegations set forth herein.

12 11. Answering paragraph 11 of the complaint, these answering
13 Defendants lack information or belief and upon that basis deny
14 the allegations set forth herein.

15 12. Answering paragraph 12 of the complaint, these answering
16 Defendants lack information or belief and upon that basis deny
17 the allegations set forth herein.

18 13. Answering paragraph 13 of the complaint, these answering
19 Defendants lack information or belief and upon that basis deny
20 the allegations set forth herein.

21 14. Answering paragraph 14 of the complaint, these answering
22 Defendants lack information or belief and upon that basis deny
23 the allegations set forth herein.

24 15. Answering paragraph 15 of the complaint, these answering
25 Defendants lack information or belief and upon that basis deny
26 the allegations set forth herein.
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- 1 16. Answering paragraph 16 of the complaint, these answering
2 Defendants lack information or belief and upon that basis deny
3 the allegations set forth herein.
- 4 17. Answering paragraph 17 of the complaint, these answering
5 Defendants lack information or belief and upon that basis deny
6 the allegations set forth herein.
- 7 18. Answering paragraph 18 of the complaint, these answering
8 Defendants lack information or belief and upon that basis deny
9 the allegations set forth herein.
- 10 19. Answering paragraph 19 of the complaint, these answering
11 Defendants lack information or belief and upon that basis deny
12 the allegations set forth herein.
- 13 20. Answering paragraph 20 of the complaint, these answering
14 Defendants admit that they have a duty to remove non-compliant
15 barriers.
- 16 21. Answering paragraph 21 of the complaint, these answering
17 Defendants lack information or belief and upon that basis deny
18 the allegations set forth herein.
- 19 22. Answering paragraph 22 of the complaint, these answering
20 Defendants lack information or belief and upon that basis deny
21 the allegations set forth herein.
- 22 23. Answering paragraph 23 of the complaint, these answering
23 Defendants lack information or belief and upon that basis deny
24 the allegations set forth herein.
- 25 24. Answering paragraph 24 of the complaint, these answering
26 Defendants lack information or belief and upon that basis deny
27 the allegations set forth herein.

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IV. FIRST CLAIM FOR VIOLATION OF AMERICAN WITH DISABILITIES ACT

25. Answering paragraph 25 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

26. Answering paragraph 26 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

27. Answering paragraph 27 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

28. Answering paragraph 28 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

29. Answering paragraph 29 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

30. Answering paragraph 30 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

31. Answering paragraph 31 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

V. SECOND CLAIM FOR VIOLATION OF CALIFORNIA CODE

32. Answering paragraph 32 of the complaint, these answering Defendants lack information or belief and upon that basis deny the allegations set forth herein.

1 33. Answering paragraph 33 of the complaint, these answering
2 Defendants lack information or belief and upon that basis deny
3 the allegations set forth herein.

4 34. Answering paragraph 34 of the complaint, these answering
5 Defendants lack information or belief and upon that basis deny
6 the allegations set forth herein.

7 35. Answering paragraph 35 of the complaint, these answering
8 Defendants lack information or belief and upon that basis deny
9 the allegations set forth herein.

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VI. THIRD CLAIM FOR NEGLIGENCE PER SE

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36. Answering paragraph 36 of the complaint, these answering
Defendants lack information or belief and upon that basis deny
the allegations set forth herein.

37. Answering paragraph 37 of the complaint, these answering
Defendants lack information or belief and upon that basis deny
the allegations set forth herein.

38. Answering paragraph 38 of the complaint, these answering
Defendants lack information or belief and upon that basis deny
the allegations set forth herein.

39. Answering paragraph 39 of the complaint, these answering
Defendants lack information or belief and upon that basis deny
the allegations set forth herein.

40. Answering paragraph 40 of the complaint, these answering
Defendants lack information or belief and upon that basis deny
the allegations set forth herein.

1 41. Answering paragraph 41 of the complaint, these answering
2 Defendants lack information or belief and upon that basis deny
3 the allegations set forth herein.

4 42. Answering paragraph 42 of the complaint, these answering
5 Defendants lack information or belief and upon that basis deny
6 the allegations set forth herein.

7 43. Answering paragraph 43 of the complaint, these answering
8 Defendants lack information or belief and upon that basis deny
9 the allegations set forth herein.

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AFFIRMATIVE DEFENSES

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FIRST AFFIRMATIVE DEFENSE

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The complaint and each and every allegation set forth
therein fails to state a claim.

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PRAYER

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Wherefore Defendants pray:

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1. That Plaintiff takes nothing by this complaint;

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2. For costs of suit;

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3. For such other and further relief as the court deems just and
proper.

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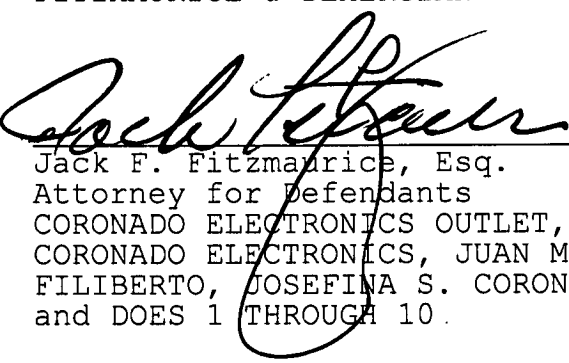
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1 Respectfully submitted,

FITZMAURICE & DEMERGIAN

2
3 Dated: September 2, 2008


4 Jack F. Fitzmaurice, Esq.
5 Attorney for Defendants
6 CORONADO ELECTRONICS OUTLET,
7 CORONADO ELECTRONICS, JUAN M.
8 FILIBERTO, JOSEFINA S. CORONADO,
9 and DOES 1 THROUGH 10.
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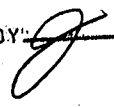
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13 EDWARD M. STEFAN

14 Plaintiff,

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19 and DOES 1 THROUGH 10,

20 Defendants.

Case No.: 08CV1488BENJMA

PROOF OF SERVICE

21 **PROOF OF SERVICE**

22 I, the undersigned, declare:

23 I am employed in the office of a member of this bar of this
24 court, at whose direction this service was made. I am over the
25 age of eighteen (18) years and not a party to the action; I am
26 employed in, or am a resident of the County of San Diego,
27

1 California; where the mailing occurs; and my business address is
2 1061 Tierra del Rey, Suite 204, Chula Vista, CA 91910.

3 I further declare that I caused to be served on September
4 4, 2008, by U.S. First-Class Mail with prepaid postage, the
5 following documents:

6
7 **1. ANSWER TO COMPALINT FOR JUDICIAL FORECLOSURE**

8 **2. PROOF OF SERVICE**

9 On the interested parties to this action listed below:

10 Duane H. Sceper
11 Attorney at Law
12 P.O. Box 1551
13 Hayfork, California 96041

14 Dated: September 4, 2008



Kimberly R. Galindo